



00862.022183

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
: Examiner: I. Soward
Haruhito ONO et al.)
: Group Art Unit: 2822
Application No.: 09/819,737)
:
Filed: March 29, 2001)
:
For: ELECTROOPTIC SYSTEM ARRAY,)
CHARGED-PARTICLE BEAM :
EXPOSURE APPARATUS USING THE) October 28, 2002
SAME, AND DEVICE : (Monday)
MANUFACTURING METHOD)

Commissioner for Patents
Washington, D.C. 20231

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RESPONSE TO RESTRICTION REQUIREMENT

Sir:

Applicants respectfully traverse the restriction requirement set forth in the Office
Action dated September 27, 2002.

In the Office Action, the Examiner sets forth a restriction requirement among three
groups of claims. Group I, claims 1-25, is drawn to an electrooptic system array, and is
classified in class 257, subclass 737; Group II, claims 26, 27, 30 and 31, is drawn to a
charged-particle beam exposure apparatus, and is classified in class 250, subclass 492.23;

and Group III, claims 28 and 29, is drawn to a device manufacturing method, and is classified in class 438, subclass 24.

The Examiner contends that the inventions of Groups I and II are related as apparatus and product made and that of Groups I and III are related as process of making and product made (Applicant notes that the Examiner has not established a relationship between the inventions of Groups II and III), and these groupings have acquired a separate status in the art due to their different classification such that the searches are not coextensive, requiring separate examination. These contentions are respectfully traversed.

Initially, Applicants respectfully submit that the inventions of Group I and Group II are in no way related as apparatus and product made. The apparatus claims of Group I are directed to an electrooptic system array using charged-particle beam exposure, whereas the claims of Group II are directed to “apparatus” (*i.e.*, charged-particle beam exposure apparatus) and not products made by the electrooptic system array. Therefore, Applicants request that the restriction requirement be withdrawn on this basis.

In addition, Applicants submit that the inventions are Groups I and III are in no way related as process of making and product made. Again, the apparatus claims of Group I are directed to an electrooptic system array using charged-particle beam exposure, whereas the claims of Group III are directed to a device manufacturing method, which happens to utilize an electrooptic system array, but does not make such an electrooptic system array. Therefore, Applicants request that the restriction requirement be withdrawn on this basis.

Still further, as noted above, the Examiner has not established a relationship between the inventions of Groups II and III. Therefore, the Examiner has not demonstrated that the inventions of these two groups are patentably distinct. Accordingly, Applicants request that the restriction requirement be withdrawn on this basis as well.

In addition, Applicants note that the inventions of Groups I, II and III are so closely related in the field of charged-particle beam exposure that a proper search of any of the claims would, of necessity, require a search of the others. Thus, it is submitted that all of the claims can be searched simultaneously, and that a duplicative search, with possibly inconsistent results, may occur if the restriction requirement is maintained.

Applicants further submit that any nominal burden placed upon the Examiner to search an additional subclass or two, necessary to determine the art relevant to Applicants' overall invention, is significantly outweighed by the public interest in not having to obtain and study several separate patents in order to have available all of the issued patent claims covering Applicants' invention. The alternative is to proceed with the filing of multiple applications, each consisting of generally the same disclosure, and each being subjected to essentially the same search, perhaps by different Examiners on different occasions. This places an unnecessary burden on both the Patent and Trademark Office and on Applicants.

In the interest of economy, for the Office, for the public-at-large and for Applicants, reconsideration and withdrawal of the restriction requirement are requested.

Nevertheless, in order to comply with the requirements of 37 CFR 1.143,
Applicants provisionally elect, with traverse, to prosecute the invention of Group I, namely
claims 1-25.

Favorable consideration and an early passage to issue are requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office
by telephone at (202) 530-1010. All correspondence should be directed to our address
listed below.

Respectfully submitted,



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Sir:

Transmitted herewith is a Response to Restriction Requirement in the above-identified application.

☒ No additional fee is required.


The fee has been calculated as shown below:

CLAIMS AS AMENDED						
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE
TOTAL CLAIMS	31	MINUS	31	= 0	x \$9 \$18	\$ 0.00
INDEP. CLAIMS	7	MINUS	7	= 0	x \$42 \$84	\$ 0.00
Fee for Multiple Dependent claims \$140/\$280						—
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$ 0.00

☐ °Verified Statement claiming small entity status is enclosed, if not filed previously.RECEIVED
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- ☐ A check in the amount of \$_____ is enclosed.
- ☐ Charge \$____ to Deposit Account No. 06-1205. A duplicate of this sheet is enclosed.
- ☒ Any prior general authorization to charge an issue fee under 37 CFR 1.18 to Deposit Account No. 06-1205 is hereby revoked. The Commissioner is hereby authorized to charge any additional fees under 37 CFR 1.16 and 1.17 which may be required during the entire pendency of this application, or to credit any overpayment, to Deposit Account No. 06-1205. A duplicate of this paper is enclosed.
- ☐ A check in the amount of \$_____ to cover the fee for a _____ month extension is enclosed.
- ☐ A check in the amount of \$____ to cover the Information Disclosure Statement fee is enclosed.
- ☒ Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should be directed to our address given below.

Respectfully submitted,



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